

specified and wherein the detector is wired to the device. Applicant submits that Claims 1, 3, 5-7, 14-16, 18-24, and 27 read on the elected species.

The requirement for election is traversed because the species clearly are related. Applicant respectfully submits that a thorough search and examination of any particular specie would be relevant to the examination of the other species, and would not be a serious burden on the examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. Accordingly, reconsideration of the election requirement is requested.

Applicant notes the objection to the drawings. Submitted herewith is a request for approval of drawing changes. Specifically, Figure 5 has been added to support the election requirements. Applicants respectfully request approval of the indicated drawing change. Upon approval of the drawing change, Applicants will submit substitute drawings incorporating the above-noted changes.

For the reasons set forth above, Applicant requests that the objection to the drawings be withdrawn.

The objection to the definition of cooling device is respectfully traversed. Specifically, Applicants recite "Cooling devices 10 include, but are not limited to refrigerators, freezers, refrigerator/freezers, chillers, ice builders or ice makers, refrigerated cabinets, cold storage cells, walk in coolers and freezers, and other refrigerant type cooling units including units utilizing all refrigerants. Therefore, as used herein, "cooling device" refers to refrigerant type cooling units which have a compartment for storing cooled or frozen products." Applicant submits the definition does not contradict the generally accepted art definition.

For the reasons set forth above, Applicant requests that the objection to the definition of cooling device be withdrawn.

The rejection of Claims 1, 2, 14, 15, and 18-21 under 35 U.S.C. § 102(b) as being anticipated by Hasegawa is respectfully traversed.

Hasegawa describes a sensor box disposed at an upper part of the main body of a refrigerator that is formed in such away as it can be turned on in a horizontal direction and its forward inclination angle can be adjusted. Hasegawa further describes a pair of human body sensors (12 and 13) disposed on a front surface of the sensor box which are configured to

detect an asleep human body and an awake human body. Sensors (12 and 13) are spaced apart and output a different voltage when the human body moves. An optical sensor (14) is disposed on the front surface of the sensor box. A control device (35) controls a power switch (9) in response to the output signals of the human body sensors (12 and 13) and optical sensor (14).

Claim 1 recites a method for operating a temperature controlled device, wherein the method includes the steps of “detecting a human presence status...controlling the temperature controlled device at a first temperature when the detected status is human present...and controlling the temperature controlled device at a second temperature when the detected status is human absent.”

Hasegawa does not describe nor suggest a method for operating a temperature controlled device, wherein the method includes the steps of detecting a human presence status, controlling the temperature controlled device at a first temperature when the detected status is human present, and controlling the temperature controlled device at a second temperature when the detected status is human absent. Moreover, Hasegawa does not describe nor suggest a method including controlling a temperature controlled device at a first and a second temperature based upon the detected status. Rather, Hasegawa describes a method of turning on and off a power supply to the main body of a refrigerator upon a detected status. For the reasons set forth above, Claim 1 is submitted to be patentable over Hasegawa.

Claim 2 depends directly from independent Claim 1. When the recitations of Claim 2 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claim 2 is likewise patentable over Hasegawa.

Claim 14 recites a method for fabricating a temperature controlled device, wherein the method includes “providing a human presence detector...and coupling the human presence detector to the temperature controlled device such that the temperature controlled device is controlled based on a human presence status.”

Hasegawa does not describe nor suggest a method for fabricating a temperature controlled device, wherein the method includes providing a human presence detector and coupling the human presence detector to the temperature controlled device such that the temperature controlled device is controlled based on a human presence status. Specifically,

Hasegawa does not describe nor suggest a method including coupling the human presence detector to the temperature controlled device such that the temperature controlled device is controlled based on a human presence status. Rather, Hasegawa describes a method of turning on and off a power supply to the main body of a refrigerator. For the reasons set forth above, Claim 14 is submitted to be patentable over Hasegawa.

Claim 15 depends directly from independent Claim 14. When the recitations of Claim 15 are considered in combination with the recitations of Claim 14, Applicant submits that dependent Claim 15 is likewise patentable over Hasegawa.

Claim 18 recites a method for fabricating a control unit for a temperature controlled device, wherein the method includes the steps of “providing a control unit...and coupling a human detector to the control unit such that the control unit controls the temperature controlled device based on a human presence status.

Hasegawa does not describe nor suggest a method for fabricating a control unit for a temperature controlled device, wherein the method includes the steps of providing a control unit and coupling a human detector to the control unit such that the control unit controls the temperature controlled device based on a human presence status. Specifically, Hasegawa does not describe nor suggest a method including coupling a human detector to the control unit such that the control unit controls the temperature controlled device based on a human presence status. Rather, Hasegawa describes a method of controlling a control device that turns on and off a power supply to the main body of a refrigerator. For the reasons set forth above, Claim 18 is submitted to be patentable over Hasegawa.

Claim 19 has been amended and recites “a control unit for control of a heating device, said control unit comprising a human detector.”

Hasegawa does not describe nor suggest a control unit for control of a heating device, the control unit includes a human detector. Specifically, Hasegawa does not describe nor suggest a control unit for control of a heating device, said control unit comprising a human detector. Rather, Hasegawa describes an integral control device that turns on and off a power supply to the main body of a refrigerator. For the reasons set forth above, Claim 19 is submitted to be patentable over Hasegawa.

Claims 20 and 21 depends directly from independent Claim 19. When the recitations of Claims 20 and 21 are considered in combination with the recitations of Claim 19, Applicant submits that dependent Claims 20 and 21 are likewise patentable over Hasegawa.

For the reasons set forth above, Claims 1, 2, 14, 15, and 18-21 are submitted to be patentable over Hasegawa.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Thomas M. Fisher
Registration No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070



Express Mail No. EV263879904US

03DV-9050
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George Mazereeuw

Serial No.: 09/681,929

Filed: June 27, 2001

Art Unit: 3744

Examiner: W. Wayner

RECEIVED

JAN 08 2003

TECHNOLOGY CENTER R3700

METHODS AND CONTROL
UNIT FOR TEMPERATURE
CONTROLLED DEVICES

SUBMISSION OF MARKED UP PARAGRAPHS AND CLAIMS

Hon. Commissioner for Patents
Washington, D.C. 20231

Submitted herewith are marked up paragraphs and claims in accordance with 37
C.F.R. Section 1.121(b)(1)(iii) and 1.211(c)(1)(ii).

IN THE SPECIFICATION

After paragraph (0011) please add the following paragraph:

Figure 5 is a flow chart illustrating an exemplary method for operating a temperature controlled device.

After paragraph (0019) please add the following paragraph:

Figure 5 is a flow chart 100 illustrating an exemplary method for operating a temperature controlled device 10 (shown in Figure 1) used with control unit 20 and human detector 22. Method includes detecting 102 a human presence in an area distant to cooling device 10 utilizing motion detector 22, specifying 104 a first temperature of device 10 when the detected status is human present, and specifying 106 a second temperature of the device 10 when the detected status is human absent, the second temperature higher than the first temperature. The method further includes specifying 108 a first temperature of device 10 when the detected status is human present, and specifying 110 a second temperature of device 10 after detecting a human absent status for a predetermined period of time, the second temperature higher than the first temperature.